

REMARKS

Newly added claims 31-50 are now pending in this application; formerly pending claims 19-26 are canceled herein; and claims 27-30, submitted in the Applicants' after-final response were not entered.

In the final Office action of 23 April 2003, the Examiner rejected claims 19, 20, 21-23, and 25-26 under 35 U.S.C. 102(b) as being anticipated by O'Donnell, "How Frequent Flier Programs Work", HowStuffWorks, Inc. The following remarks address the newly added claims in view of O'Donnell.

The Applicants specifically claim collecting access and egress statistics based on the use of transportation passes to gain access to a transportation system. In claim 31, upon which claims 32-41 depend, the Applicants further claim selling the resultant statistical reports; in claim 42, upon which claims 43-50 depend, the Applicants further claim managing the transportation system based on these statistical reports. Conventional frequent flier cards are not used to gain access to airplanes. A frequent flier is not required to actually carry the card on flights, and need only provide the frequent flier membership number when purchasing a ticket and/or when checking in for a flight. Using a frequent flier card to embody the Applicants' invention would require a substantial change to conventional frequent flier programs, which would not be implemented by an airline absent the Applicants disclosure of a means of providing subsidies to the airline, or facilitating the management of the airline.

In view of the foregoing, the Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Esq.
Reg. No. 41,508
804-493-0707

CERTIFICATE OF MAILING OR TRANSMISSION

It is hereby certified that, on the date shown below, this correspondence is being:

☐ deposited with the United States Postal Service with sufficient postage as first-class or express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile to the United States Patent and Trademark Office at 703-872-9318.

On 22 July 2003

By 

FAX RECEIVED

JUL 22 2003

TECHNOLOGY CENTER 2800